

**Court of Appeals, Division One**

**Criminal**

**1 CA-CR 12-0780**

**STATE v. NISSLEY**

**Appellate Case Information**

Case Filed: 18-Dec-2012  
Case Closed:

**Dept/Composition**

**Department C (August)**

Hon. Lawrence F Winthrop  
Hon. Kenton D Jones  
Hon. Samuel A Thumma

**Side 1. STATE OF ARIZONA, Appellee**

(Litigant Group) STATE OF ARIZONA

- State of Arizona

**Attorneys for: Appellee**

Terry M Crist, Esq. (AZ Bar No. 28348)

**Side 2. PATRICK MCLEOD NISSLEY, Appellant**

(Litigant Group) PATRICK MCLEOD NISSLEY

- Patrick McLeod Nissley

**Attorneys for: Appellant**

Natalee E Segal, Esq. (AZ Bar No. 16775)

**CASE STATUS**

Dec 21, 2015....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CR2011-110536-001	Reckless Manslaughter, Class 2; Endangerment, Imminent Death, class 6; Possession or use of narcotic Drugs, Class 4	15 years; 3 years; 3 years; 3 years; 3 years	Bruce R Cohen, Sentencing	JURY	

**DESCENDENT CASE(S)**

ASC CR-15-0393-PR

**CASE DECISION**

20-Oct-2015 **OPINION**

Samuel Thumma.....Author  
Lawrence Winthrop.....Concur  
Kenton Jones.....Dissent in part

Filed: 20-Oct-2015 Mandate:

Decision Disposition

**Affirmed as Modified**

**71 PROCEEDING ENTRIES**

- 18-Dec-2012 FILED: Notice of Appeal from Maricopa County Superior Court filed 12/13/12. Notification to Court Reporters dated 12/17/12.
- 25-Jan-2013 FILED: Additional Record on Appeal:  
Exhibits: Hearing Date 6/18/12 - List and # 31, 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 62, 63 in manila envelope; Hearing Date 8/13/12 - List and # 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 2,3 24, 25,2 6, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 87, 88, 91.002, 91.003, 91.004, 102, 103, 105, 106, 109, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 158, 159.001, 161, 163, 164, 165, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 217, 218, 219, 220 in box; Confidential Criminal History in manila envelope; Sealed Items: Defendant's Moiton to Remand in manila envelope; Jury Questionnaires in manila envelope
- 25-Jan-2013 FILED: e-Record on Appeal:  
Instruments/Minute Entries: Combined  
Disposition Report: None  
Exhibits: None

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4. 1-Feb-2013 ORDERED: Court Reporter Gail Ferguson Due Dates EXTENDED to 03/04/2013 for Transcripts dated 12/07/2012, 09/20/2012, 09/19/2012, 09/18/2012, 09/14/2012, 09/13/2012, 09/11/2012, 08/29/2012, 08/28/2012, 08/27/2012, 08/23/2012, 08/22/2012, 08/22/2012, 08/21/2012, 08/20/2012, 08/16/2012, 08/15/2012, 08/14/2012, 08/13/2012, 08/09/2012. Hon Diane M Johnsen - Author
5. 14-Feb-2013 FILED: (Response to Notice of Appeal) Letter 2/1/13 to Court from Court Reporter Gail Ferguson re: Financial Arrangements have not been made
6. 21-Feb-2013 ORDERED: Court Reporter Gail Ferguson transcript due dates EXTENDED to 03/21/2013 for proceedings dated 12/07/2012, 09/20/2012, 09/19/2012, 09/18/2012, 09/14/2012, 09/13/2012, 09/11/2012, 08/29/2012, 08/28/2012, 08/27/2012, 08/23/2012, 08/22/2012, 08/21/2012, 08/20/2012, 08/16/2012, 08/15/2012, 08/14/2012, 08/13/2012, 08/09/2012. Anthony Mackey ProTem Judge - Author
7. 26-Feb-2013 FILED: Letter of Financial Arrangements Have Not Been Made (Kristen L. Brown)
8. 28-Feb-2013 ORDERED: Appellant to make financial arrangements with Court Reporter Gail Ferguson or file request in Superior Court to proceed as an indigent with appropriate affidavit by 3/29/13. Anthony Mackey ProTem Judge - Author
9. 5-Apr-2013 ORDERED: due by Court Reporters Kristen Brown and Gail Ferguson all transcripts no later than 05/13/13. Anthony Mackey ProTem Judge - Author
10. 18-Apr-2013 FILED: Courtesy Copy- Nunc Pro Tunc Appointment of Counsel
11. 19-Apr-2013 FILED: Courtesy Copy of Designation of Record for Appeal filed in Maricopa County Superior Court
12. 25-Apr-2013 ORDERED: Court Reporter Gail Ferguson shall file transcript of proceedings held 9/27/11; 6/18/12; 8/8/12; 8/9/12; 8/13/12; 8/14/12; 8/15/12; 8/16/12; 8/20/12; 8/21/12; 8/22/12; 8/23/12; 8/27/12; 8/28/12; 8/29/12; 9/11/12; 9/13/12; 9/14/12; 9/18/12; 9/19/12; 9/20/12; 12/7/12 on/before 5/29/13. Hon Diane M Johnsen - Author
13. 25-Apr-2013 ORDERED: Court Reporter Kristen L. Brown transcript of proceedings held 8/22/12 due on/before 6/4/13. Hon Diane M Johnsen - Author
14. 16-May-2013 FILED: Reporter's Transcript - 7/2/12 - Oral Argument on Motions (Lisa Vitoff)
15. 28-May-2013 FILED: Reporter's transcript - Trial Day 8 - 08/22/12 (Kristen L. Brown.)
16. 10-Jun-2013 FILED: Reporter's Transcript - 8/9/12 (Gail Ferguson)
17. 10-Jun-2013 FILED: Reporter's Transcript - 8/13/12 (Gail Ferguson)
18. 10-Jun-2013 FILED: Reporter's Transcript - 8/14/12 (Gail Ferguson)
19. 11-Jun-2013 FILED: Reporter's Transcript - 8/15/12 (Gail Ferguson)
20. 13-Jun-2013 FILED: Reporter's Transcript - 8/16/12 (Gail Ferguson)
21. 13-Jun-2013 ORDERED: Court Reporter Gail Ferguson due dates EXTENDED to 07/15/2013 for Transcripts dated 12/07/2012, 09/20/2012, 09/19/2012, 09/18/2012, 09/14/2012, 09/13/2012, 09/11/2012, 08/29/2012, 08/28/2012, 08/27/2012, 08/23/2012, 08/22/2012, 08/21/2012, 08/20/2012, 08/08/2012, 09/27/2011, 06/18/2012 or OSC 07/17/2013. Hon Diane M Johnsen - Author
22. 14-Jun-2013 FILED: Reporter's Transcript - 8/22/12 - (Gail Ferguson)
23. 14-Jul-2013 FILED: Reporter's Transcript 8/27/12 (Gail Ferguson)
24. 14-Jul-2013 FILED: Reporter's Transcript - 8/28/12 (Gail Ferguson)
25. 14-Jul-2013 FILED: Reporter's Transcript - 8/29/12 (Gail Ferguson)
26. 14-Jul-2013 FILED: Reporter's Transcript - 8/8/12 - Oral Argument (Gail Ferguson)
27. 14-Jul-2013 FILED: Reporter's Transcript - 8/20/12 (Gail Ferguson)
28. 14-Jul-2013 FILED: Reporter's Transcript - 8/21/12 (Gail Ferguson)
29. 14-Jul-2013 FILED: Reporter's Transcript- 8/27/12 (Gail Ferguson)

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30.	14-Jul-2013	FILED: Reporter's Transcript- 8/23/12 (Gail Ferguson)
31.	14-Jul-2013	FILED: Reporter's Transcript- 9/11/12 (Gail Ferguson)
32.	15-Jul-2013	FILED: Reporter's Transcript - 9/14/12 (Gail Ferguson)
33.	15-Jul-2013	FILED: Reporter's Transcript - 9/27/11 - Status Conference (Gail Ferguson)
34.	16-Jul-2013	FILED: Reporter's Transcript- 6/18/12 - Oral Argument (Gail Ferguson)
35.	16-Jul-2013	FILED: Reporter's Transcript - 9/18/12 (Gail Ferguson)
36.	16-Jul-2013	FILED: Reporter's Transcript - 9/19/12 (Gail Ferguson)
37.	16-Jul-2013	FILED: Reporter's Transcript - 9/20/12 (Gail Ferguson)
38.	16-Jul-2013	FILED: Reporter's Transcript - 9/13/12 (Gail Ferguson)
39.	16-Jul-2013	FILED: Reporter's Transcript - 12/07/12 Sentencing (Gail Ferguson)
40.	22-Jul-2013	FILED: Notice of Completion of Record
41.	2-Oct-2013	FILED: Amended Notice of Completion of Record
42.	7-Oct-2013	FILED: Motion to Withdraw and Substitute New Counsel; Motion to Extend Opening Brief Due Date; Certificate of Service (Appellant)
43.	7-Nov-2013	ORDERED: Motion to Withdraw and Substitute New Counsel (Appellant) = GRANTED/Appointing attorney Natalee Segal as counsel for appellant. FURTHER ORDERED: Maricopa County Public Defender to immediately forward record to newly-appointed counsel. FURTHER ORDERED: Motion to Extend Opening Brief Due Date (Appellant) = GRANTED. Due date EXTENDED from Monday, 11-18-2013 to Thursday, 01-02-2014. Anthony Mackey ProTem Judge - Author
44.	1-Jan-2014	FILED: Motion for Extension; Certificate of Mailing (Appellant)
45.	2-Jan-2014	ORDERED: Motion for Extension (Appellant) = GRANTED. Due date EXTENDED from Thursday, 01-02-2014 to Monday, 02-03-2014 Anthony Mackey ProTem Judge - Author
46.	3-Feb-2014	FILED: Motion for Extension; Certificate of Mailing (Appellant)
47.	10-Feb-2014	ORDERED: Motion for Extension (Appellant) = GRANTED. Due date EXTENDED from Monday, 02-03-2014 to Wednesday, 03-05-2014. Anthony Mackey ProTem Judge - Author
48.	4-Mar-2014	FILED: Opening Brief; Certificate of Compliance; Certificate of Mailing (Appellant)
49.	20-Mar-2014	FILED: Notice of Appearance; Certificate of Service (Appellee)
50.	15-Apr-2014	ORDERED: Answering Brief due date EXTENDED from Monday, 04-14-2014 to Monday, 05-12-2014. Fred Cole ProTem Judge - Author
51.	9-May-2014	FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee)
52.	14-May-2014	ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 05-12-2014 to Wednesday, 06-11-2014. Anthony Mackey ProTem Judge - Author
53.	3-Jun-2014	FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee)
54.	30-Jun-2014	FILED: Motion for Extension Reply (Reply Brief); Certificate of Mailing (Appellant)
55.	1-Jul-2014	CLNDR: CONFERENCE, Department C (August), 8-20-14, COURTROOM 1.
56.	1-Jul-2014	ORDERED: Motion for Extension Reply (Reply Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 06-30-2014 to Monday, 07-21-2014. Anthony Mackey ProTem Judge - Author
57.	2-Jul-2014	FILED: Memorandum – to Clerk of Maricopa Superior Court Re: any additional record not already transmitted due within 10 days
58.	5-Jul-2014	FILED: Reply; Certificate of Compliance; Certificate of Mailing (Appellant)

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59.	11-Jul-2014	FILED: Appellee's Motion to Strike (Portion of Reply Brief), or in the Alternative, to Supplement the Answering Brief; Certificate of Service (Appellee)
60.	25-Jul-2014	ORDERED: GRANTING the motion to strike (portion of reply brief). Hon Kenton D Jones Judge - Author
61.	28-Aug-2014	FILED: Supplemented Superior Court e-Record with Revised Index of Record
62.	9-Jan-2015	ORDERED: Supplemental Briefs due 45 days from date of this order. Hon Lawrence F Winthrop - Author
63.	20-Feb-2015	FILED: Appellee's Supplemental Brief; Certificate of Compliance; Certificate of Service (Appellee)
64.	23-Feb-2015	FILED: Motion for 5 Day Extension (Supplemental Brief); Certificate of Service of Motion for 5 Day Extension (Appellant)
65.	25-Feb-2015	ORDERED: Motion for 5 Day Extension (Supplemental Brief) (Appellant) = GRANTED. Due date EXTENDED from Monday, 02-23-2015 to Friday, 02-27-2015. Hon Lawrence F Winthrop - Author
66.	27-Feb-2015	FILED: Appellant's Supplemental Brief; Certificate of Compliance; Certificate of Mailing of Appellant's Supplemental Brief (Appellant)
67.	20-Oct-2015	OPINION (Affirmed as Modified) Hon Samuel A Thumma - Author; Hon Lawrence F Winthrop - Concur; Hon Kenton D Jones Judge - Dissent in part
68.	20-Oct-2015	FILED: Opinion Distribution List
69.	18-Nov-2015	FILED: ASC Order filed 11/18/15 re: Extending Petition for Review due date to 12/19/15
70.	21-Dec-2015	FILED: Email Notice from ASC re: Petition for Review filed 12/21/15; request for partial record
71.	24-Dec-2015	FILED: Letter forwarding partial record to Arizona Supreme Court